

# Order

Michigan Supreme Court  
Lansing, Michigan

June 22, 2011

Robert P. Young, Jr.,  
Chief Justice

142712

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 142712  
COA: 295125  
Oakland CC: 2009-009016-AR

ALEXANDER EDWARD KOLANEK,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the January 11, 2011 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether a defendant is eligible to assert the affirmative defense of medical use of marijuana under MCL 333.26428(a) without first obtaining a valid “registry identification card;” (2) whether the “[e]xcept as provided in section 7” language in MCL 333.26428(a) requires a defendant to fulfill all of the conditions set forth in MCL 333.26424 in order to have a valid defense under MCL 333.26428(a); and (3) whether a defendant may assert the affirmative defense under MCL 333.26428(a) as a defense at trial after a court has denied his motion to dismiss under MCL 333.26428(b).

We further ORDER that this case be argued and submitted to the Court together with the case of *People v Kolanek* (Docket No. 142695), at such future session of the Court as both cases are ready for submission.

The Attorney General, the Criminal Defense Attorneys of Michigan, and the Prosecuting Attorneys Association of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 22, 2011

*Corbin R. Davis*

Clerk